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**BY ECF**

July 1, 2015

The Honorable Frank Maas
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007-1312

> Re:     Kriss et al. v. Bayrock Group LLC et al., 10 Civ 03959 (LGS) (FM)

Dear Judge Maas:

We are co-counsel to defendant Felix Sater and respectfully submit this letter pursuant to Your Honor's order of June 22, 2015 (ECF No. 171) to identify paragraphs in plaintiffs' proposed Second Amended Complaint ("SAC") which we believe are sourced from privileged documents.

Generally, as we have stated before, we believe the SAC is derived, in its entirety, from the purloined hard drive, which Joshua Bernstein took from Bayrock without permission and gave to Jody Kriss and his attorney, Frederick Oberlander. There is simply no possible way to remove the taint created by Bernstein's theft of the hard drive. There is no way to 'unring the bell' or to 'put the genie back in the bottle.' Everything that follows from Bernstein's theft of the hard drive is fruit of the poisonous tree and should be excluded.

As to specifics, we agree that the paragraphs Bayrock has identified in its letter filed earlier today are sourced from privileged documents. We would also add the following paragraphs: 70-72, 88-103, 147-55 and 191-199.

As an example, paragraphs 70-72 relate to Mr. Sater's personal financial information, and quite simply, there is no possible way for Kriss to have had this information except from the stolen hard drive. Similarly, paragraphs 88-103, relating to Elizabeth Thieriot, are also derived from the stolen hard drive. As Bernstein testified in

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his affidavit, Oberlander specifically scoured the hard drive for references to Ms. Thieriot on the very night that Bernstein gave him access to it.

Respectfully Submitted,

/s/ Michael P. Beys

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*Attorney for Defendant Felix Sater*

cc:     All Counsel (By ECF)